

**Executive Summary – Enforcement Matter – Case No. 46398**  
**MOTIVA ENTERPRISES LLC**  
**RN100209451**  
**Docket No. 2013-0551-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Port Arthur Refinery, 2555 Savannah Avenue, Port Arthur, Jefferson County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket # 2013-0885-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 6, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$30,000

**Amount Deferred for Expedited Settlement:** \$6,000

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$24,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46398**  
**MOTIVA ENTERPRISES LLC**  
**RN100209451**  
**Docket No. 2013-0551-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** January 18, 2013  
**Date(s) of NOE(s):** February 15, 2013

***Violation Information***

Failed to comply with the 2011 annual emissions rates for five storage tanks. Specifically, the 2.28 tons per year ("TPY") annual volatile organic compound ("VOC") rate for emission point number ("EPN") TML01251 was exceeded by 2.38 tons; the 1.71 TPY annual VOC rate for EPN TML01525 was exceeded by 1.05 tons; the 0.02 TPY annual VOC rate for EPN TST01718 was exceeded by 0.20 ton; the 2.24 TPY annual VOC rate for EPN TST01787 was exceeded by 0.12 ton; and the 3.18 TPY annual VOC rate for EPN TST01920 was exceeded by 0.18 ton, resulting in the unauthorized release of 3.93 tons of VOC [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSD-TX-1062, Special Conditions No. 1, Federal Operating Permit No. 01386, General Terms & Conditions and Special Terms & Conditions Nos. 1, 1A, and 16A].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days, implement measures and/or procedures to ensure compliance with the allowable annual VOC emissions rates for EPNs TML01251, TML01525, TST01718, TST01787, and TST01920; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 46398**  
**MOTIVA ENTERPRISES LLC**  
**RN100209451**  
**Docket No. 2013-0551-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division,  
Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Greg Willms, General Manager, MOTIVA ENTERPRISES LLC, P.O. Box  
712, Port Arthur, Texas 77641

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES** Assigned 19-Feb-2013  
PCW 7-Mar-2013 Screening 7-Mar-2013 EPA Due 12-Nov-2013

## RESPONDENT/FACILITY INFORMATION

Respondent MOTIVA ENTERPRISES LLC  
Reg. Ent. Ref. No. RN100209451  
Facility/Site Region 10-Beaumont Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 46398 No. of Violations 1  
Docket No. 2013-0551-AIR-E Order Type 1660  
Media Program(s) Air Government/Non-Profit No  
Multi-Media EC's Team Amancio R. Gutierrez  
Enforcement Team 5  
Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$15,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 100.0% Enhancement Subtotals 2, 3, & 7 \$15,000

Notes Enhancement for two NOV's with same or similar violations, two NOV's with dissimilar violations, nine orders with a denial of liability, and one order without a denial of liability. Reduction for eight notices of intent to conduct an audit and three disclosures of violations.

**Culpability** No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0

**Economic Benefit** 0.0% Enhancement\* Subtotal 6 \$0

Total EB Amounts \$219  
Approx. Cost of Compliance \$2,500  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$30,000

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$30,000

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$30,000

**DEFERRAL** 20.0% Reduction Adjustment -\$6,000

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$24,000

Screening Date 7-Mar-2013

Docket No. 2013-0551-AIR-E

PCW

Respondent MOTIVA ENTERPRISES LLC

Policy Revision 3 (September 2011)

Case ID No. 46398

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 205%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for two NOVs with same or similar violations, two NOVs with dissimilar violations, nine orders with a denial of liability, and one order without a denial of liability. Reduction for eight notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 205%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

**Screening Date** 7-Mar-2013  
**Respondent** MOTIVA ENTERPRISES LLC  
**Case ID No.** 46398  
**Reg. Ent. Reference No.** RN100209451  
**Media [Statute]** Air  
**Enf. Coordinator** Amancio R. Gutierrez

**Docket No.** 2013-0551-AIR-E

**PCW**

Policy Revision 3 (September 2011)  
PCW Revision August 3, 2011

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSD-TX-1062, Special Conditions No. 1, Federal Operating Permit No. 01386, General Terms & Conditions and Special Terms & Conditions Nos. 1, 1A, and 16A

**Violation Description**

Failed to comply with the 2011 annual emissions rates for five storage tanks. Specifically, the 2.28 tons per year ("TPY") annual volatile organic compound ("VOC") rate for emission point number ("EPN") TML01251 was exceeded by 2.38 tons; the 1.71 TPY annual VOC rate for EPN TML01525 was exceeded by 1.05 tons; the 0.02 TPY annual VOC rate for EPN TST01718 was exceeded by 0.20 ton; the 2.24 TPY annual VOC rate for EPN TST01787 was exceeded by 0.12 ton; and the 3.18 TPY annual VOC rate for EPN TST01920 was exceeded by 0.18 ton, resulting in the unauthorized release of 3.93 tons of VOC.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$21,250

\$3,750

**Violation Events**

**Number of Violation Events** 4

365 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$15,000

Four quarterly events are recommended for calendar year 2011.

**Good Faith Efforts to Comply**

**0.0%** Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$15,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$219

**Violation Final Penalty Total** \$30,000

**This violation Final Assessed Penalty (adjusted for limits)** \$30,000

# Economic Benefit Worksheet

**Respondent** MOTIVA ENTERPRISES LLC

**Case ID No.** 46398

**Reg. Ent. Reference No.** RN100209451

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**

**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	31-Dec-2011	1-Oct-2013	1.75	\$219	\$219

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure annual emissions rates are not exceeded. The Date Required is the date the violation was documented and the Final Date is the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,500

**TOTAL**

\$219





# Compliance History Report

**PUBLISHED** Compliance History Report for CN600124051, RN100209451, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600124051, Motiva Enterprises LLC	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 6.66
<b>Regulated Entity:</b>	RN100209451, PORT ARTHUR REFINERY	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 17.98
<b>Complexity Points:</b>	52	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0095D  
**AIR OPERATING PERMITS** PERMIT 3387

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30121

**WASTEWATER** PERMIT WQ0000414000

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION  
1230079

**AIR NEW SOURCE PERMITS** REGISTRATION 48504

**AIR NEW SOURCE PERMITS** REGISTRATION 48506

**AIR NEW SOURCE PERMITS** REGISTRATION 49333

**AIR NEW SOURCE PERMITS** REGISTRATION 49477

**AIR NEW SOURCE PERMITS** REGISTRATION 49912

**AIR NEW SOURCE PERMITS** REGISTRATION 50158

**AIR NEW SOURCE PERMITS** PERMIT 3415

**AIR NEW SOURCE PERMITS** PERMIT 7160

**AIR NEW SOURCE PERMITS** PERMIT 8210

**AIR NEW SOURCE PERMITS** REGISTRATION 23943

**AIR NEW SOURCE PERMITS** REGISTRATION 24148

**AIR NEW SOURCE PERMITS** REGISTRATION 24081

**AIR NEW SOURCE PERMITS** REGISTRATION 29244

**AIR NEW SOURCE PERMITS** REGISTRATION 31590

**AIR NEW SOURCE PERMITS** REGISTRATION 34500

**AIR NEW SOURCE PERMITS** REGISTRATION 38931

**AIR NEW SOURCE PERMITS** REGISTRATION 40494

**AIR NEW SOURCE PERMITS** REGISTRATION 41443

**AIR NEW SOURCE PERMITS** REGISTRATION 44322

**AIR NEW SOURCE PERMITS** REGISTRATION 44691

**AIR NEW SOURCE PERMITS** REGISTRATION 45560

**AIR NEW SOURCE PERMITS** REGISTRATION 45938

**AIR NEW SOURCE PERMITS** REGISTRATION 45935

**AIR NEW SOURCE PERMITS** REGISTRATION 46015

**AIR NEW SOURCE PERMITS** REGISTRATION 46331

**AIR NEW SOURCE PERMITS** REGISTRATION 46326

**AIR NEW SOURCE PERMITS** REGISTRATION 46958

**AIR NEW SOURCE PERMITS** REGISTRATION 48153

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0095D

**AIR NEW SOURCE PERMITS** REGISTRATION 11762

**AIR NEW SOURCE PERMITS** REGISTRATION 11895

**AIR NEW SOURCE PERMITS** REGISTRATION 12117

**AIR NEW SOURCE PERMITS** REGISTRATION 13313

**AIR NEW SOURCE PERMITS** REGISTRATION 13534

**AIR OPERATING PERMITS** PERMIT 1386

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD008097529

**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50188

**WASTEWATER** EPA ID TX0005835

**AIR NEW SOURCE PERMITS** REGISTRATION 48503

**AIR NEW SOURCE PERMITS** REGISTRATION 48505

**AIR NEW SOURCE PERMITS** REGISTRATION 49332

**AIR NEW SOURCE PERMITS** REGISTRATION 49480

**AIR NEW SOURCE PERMITS** REGISTRATION 49478

**AIR NEW SOURCE PERMITS** REGISTRATION 50157

**AIR NEW SOURCE PERMITS** REGISTRATION 50299

**AIR NEW SOURCE PERMITS** PERMIT 6056

**AIR NEW SOURCE PERMITS** PERMIT 7304

**AIR NEW SOURCE PERMITS** PERMIT 8404

**AIR NEW SOURCE PERMITS** REGISTRATION 23690

**AIR NEW SOURCE PERMITS** REGISTRATION 24417

**AIR NEW SOURCE PERMITS** REGISTRATION 24307

**AIR NEW SOURCE PERMITS** REGISTRATION 32236

**AIR NEW SOURCE PERMITS** REGISTRATION 34264

**AIR NEW SOURCE PERMITS** REGISTRATION 37624

**AIR NEW SOURCE PERMITS** REGISTRATION 39659

**AIR NEW SOURCE PERMITS** REGISTRATION 40950

**AIR NEW SOURCE PERMITS** REGISTRATION 41820

**AIR NEW SOURCE PERMITS** REGISTRATION 44565

**AIR NEW SOURCE PERMITS** REGISTRATION 45561

**AIR NEW SOURCE PERMITS** REGISTRATION 45545

**AIR NEW SOURCE PERMITS** REGISTRATION 45937

**AIR NEW SOURCE PERMITS** REGISTRATION 45934

**AIR NEW SOURCE PERMITS** REGISTRATION 46079

**AIR NEW SOURCE PERMITS** REGISTRATION 46330

**AIR NEW SOURCE PERMITS** REGISTRATION 46589

**AIR NEW SOURCE PERMITS** REGISTRATION 47149

**AIR NEW SOURCE PERMITS** REGISTRATION 51922

**AIR NEW SOURCE PERMITS** REGISTRATION 11297

**AIR NEW SOURCE PERMITS** REGISTRATION 11777

**AIR NEW SOURCE PERMITS** REGISTRATION 12059

**AIR NEW SOURCE PERMITS** REGISTRATION 12482

**AIR NEW SOURCE PERMITS** REGISTRATION 13358

**AIR NEW SOURCE PERMITS** REGISTRATION 13693

AIR NEW SOURCE PERMITS REGISTRATION 14363  
AIR NEW SOURCE PERMITS REGISTRATION 14493  
AIR NEW SOURCE PERMITS REGISTRATION 15717  
AIR NEW SOURCE PERMITS REGISTRATION 16221  
AIR NEW SOURCE PERMITS REGISTRATION 54322  
AIR NEW SOURCE PERMITS AFS NUM 4824500020  
AIR NEW SOURCE PERMITS REGISTRATION 52429  
AIR NEW SOURCE PERMITS REGISTRATION 75103  
AIR NEW SOURCE PERMITS REGISTRATION 77922  
AIR NEW SOURCE PERMITS PERMIT 78358  
AIR NEW SOURCE PERMITS REGISTRATION 79866L  
AIR NEW SOURCE PERMITS REGISTRATION 86268  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1  
AIR NEW SOURCE PERMITS REGISTRATION 95508  
AIR NEW SOURCE PERMITS REGISTRATION 100512  
AIR NEW SOURCE PERMITS REGISTRATION 101131  
AIR NEW SOURCE PERMITS REGISTRATION 102623  
AIR NEW SOURCE PERMITS REGISTRATION 109207  
AIR NEW SOURCE PERMITS REGISTRATION 105523  
AIR NEW SOURCE PERMITS REGISTRATION 105518  
AIR NEW SOURCE PERMITS REGISTRATION 107320  
AIR NEW SOURCE PERMITS REGISTRATION 105515  
AIR NEW SOURCE PERMITS REGISTRATION 105522  
PETROLEUM STORAGE TANK STAGE II REGISTRATION  
57808  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D

POLLUTION PREVENTION PLANNING ID NUMBER  
P00651

AIR NEW SOURCE PERMITS REGISTRATION 14273  
AIR NEW SOURCE PERMITS REGISTRATION 15403  
AIR NEW SOURCE PERMITS REGISTRATION 16025  
AIR NEW SOURCE PERMITS PERMIT 17522  
AIR NEW SOURCE PERMITS REGISTRATION 75653  
AIR NEW SOURCE PERMITS PERMIT 56287  
AIR NEW SOURCE PERMITS REGISTRATION 52468  
AIR NEW SOURCE PERMITS REGISTRATION 77681  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062  
AIR NEW SOURCE PERMITS REGISTRATION 26297  
AIR NEW SOURCE PERMITS REGISTRATION 87900  
AIR NEW SOURCE PERMITS REGISTRATION 89842  
AIR NEW SOURCE PERMITS REGISTRATION 93407  
AIR NEW SOURCE PERMITS REGISTRATION 96078  
AIR NEW SOURCE PERMITS REGISTRATION 96991  
AIR NEW SOURCE PERMITS REGISTRATION 101826  
AIR NEW SOURCE PERMITS REGISTRATION 103077  
AIR NEW SOURCE PERMITS REGISTRATION 105516  
AIR NEW SOURCE PERMITS REGISTRATION 105517  
AIR NEW SOURCE PERMITS REGISTRATION 105519  
AIR NEW SOURCE PERMITS REGISTRATION 106439  
AIR NEW SOURCE PERMITS REGISTRATION 105504  
STORMWATER PERMIT TXRNEY448  
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION  
# (SWR) 30121  
POLLUTION PREVENTION PLANNING ID NUMBER  
P06462

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** April 10, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 09, 2008 to April 09, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Amancio R. Gutierrez

**Phone:** (512) 239-3921

### **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

### **Components (Multimedia) for the Site Are Listed in Sections A - J**

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 04/14/2008 ADMINORDER 2007-1335-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
Description: Failed to comply with permitted emissions limits.  
Classification: Moderate

*Published Compliance History Report for CN600124051, RN100209451, Rating Year 2012 which includes Compliance History (CH) components from April 09, 2008, through April 09, 2013.*

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to comply with opacity limits.

2

Effective Date: 06/19/2008 ADMINORDER 2006-1513-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain authorization for the CO emissions from the MPU No. 3 Extract Heater (EPN: SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN: SMPU3-1).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 9 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 6F PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526, and 14824.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

Description: Failure to timely report 12 deviations during three semi-annual deviation reports. Two of the reports additionally were missing corrective action information for two reported deviations.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)

30 TAC Chapter 106, SubChapter T 106.454(1)(E)

30 TAC Chapter 106, SubChapter T 106.454(2)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 17 OP

Description: Failure to properly operate facility degreasing units.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(v)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 1A OP

Description: Failure to maintain a record of the repair monitoring for a leaking fugitive component.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 10E PERMIT

8404, Special Condition 11E PERMIT

8404, Special Condition 14 PERMIT

8404, Special Condition 16 PERMIT  
8404, Special Condition 20 PERMIT  
8404, Special Condition 23 PERMIT  
8404, Special Condition 38 PERMIT  
8404, Special Condition 56 PERMIT  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to seal 67 open-ended lines with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 79 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP  
O-01386, Special Condition 1A OP

Description: Failure to maintain a record of fugitive monitoring components 19992, 19993 and 19994 in the fugitive monitoring database.

3 Effective Date: 07/03/2008 ADMINORDER 2007-1497-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
8404, Special Condition 9 PERMIT  
O-01386, General Terms and Conditions OP

Description: Failed to comply with permitted emissions limits for NOx.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, Special Condition 3B(iii) OP

Description: Failure to perform quarterly opacity observations of all stationary vents.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 14 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at or above a pH of 7.0.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)

5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov. 8404, Special Condition 14 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to conduct daily HCl testing at the CRU4 Caustic HCl Scrubber.  
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.244(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov. O-01386, General Terms and Conditions OP  
Description: Failed to perform part or all of daily Stage II VRS inspections.  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov. 8404, Special Condition 14 PERMIT  
8404, Special Condition 20 PERMIT  
8404, Special Condition 23 PERMIT  
O-01386, General Terms and Conditions OP

Description: Failed to properly seal four leaking open-ended lines in volatile organic compound ("VOC") service with a cap, plug, or blind flange.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov. 8404, Special Condition 23 PERMIT  
O-01386, General Terms and Conditions OP

Description: Failed to monitor the DCU Flare's pilot flame.  
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov. O-01386, General Terms and Conditions OP

Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in Annual Compliance Certifications.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov. General Condition 8 PERMIT  
General Terms and Conditions OP

Description: Failed to comply with permitted emissions limits for particulate matter ("PM"). Specifically, the permit limits PM emissions from Boiler 27 (EPN SPS2-7) to 1.4 lbs/hr and 6.2 tons per year ("tpy"), and during 2004, the Respondent reported those emissions at 1.58 lb/hr and 6.93 tpy. In addition, the permit limits PM from Boiler 31, 32, and 33 (EPNs SPS3-1, SPS3-2, and SPS3-3, respectively) to 1.90 lb/hr and 8.2 tpy. During 2004, the Respondent reported PM emissions from those EPNs at 1.97, 2.3

4 Effective Date: 09/22/2008 ADMINORDER 2008-0389-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

**Published** Compliance History Report for CN600124051, RN100209451, Rating Year 2012 which includes Compliance History (CH) components from April 09, 2008, through April 09, 2013.

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 16 OP

Description: Failure to maintain emission rates below the allowable emission limits.

5 Effective Date: 06/18/2010 ADMINORDER 2009-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 12E PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to perform monthly drain inspections.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits for HTU4 Charge Heater Number 2.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404, Special Condition 7B PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FKFCU1 and 2).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the HTU3 Cooling Tower (EPN: FKHTU3).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 6 PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas to 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 5B PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU, HTU4, FCCU3 and ALKY flares.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 38A PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for SO2 and NOx from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to perform monthly monitoring of a leaking valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 56287, General Condition 8 PERMIT  
56287, Special Condition 3 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) concentration and emission limits for Combustion Turbine Generator (Gas Turbine) 34.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01368, Special Condition 18 OP  
O-01386, General Terms and Conditions OP

Description: Failure to accurately certify compliance in the Annual Compliance Certifications (ACCs).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.142(1)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to equip a drain (identified with Component Identification Tag 010) with a plug.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
Special Condition 16A PERMIT

Description: Failure to maintain the Carbon Monoxide (CO) emission rate at Boiler 29 below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable annual emission limits at Boiler 29, Boiler 32, and



Boiler 33.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
4F TWC Chapter 63, SubChapter A 63.157  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to conduct the performance testing of the Continuous Catalytic Regenerator (CCR) operations at CRU4, specifically the CRU4 Caustic HCl Scrubber.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(C)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP  
O-01386, Special Condition 2F OP

Description: Failure to properly report a June 2-3, 2008, emissions event.

6 Effective Date: 10/25/2010 ADMINORDER 2010-0381-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, General Condition 8 PERMIT  
8404/PSD-TX-1062, Special Condition 1 PERMIT  
O-01386, General Terms and Conditions OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) emission limit for the Lube Hydrogen Cracking Unit (LHCU) Prefractionator Heater.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP  
O-01386, Special Condition 1A OP

Description: Failure to submit the Boiler 35 Continuous Emission Monitoring Systems (CEMS) Relative Accuracy Test Audit (RATA) within 60 days.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP  
Special Terms and Conditions No. 18 OP

Description: Failure to report the occurrence of deviations in deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 01386, General Terms and Conditions OP

01386, Special Condition 16 OP

8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 5 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii) MOD (2)(D)

7

Effective Date: 05/08/2011 ADMINORDER 2010-1514-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 106, SubChapter A 106.6(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16 OP

Description: Failure to maintain the VOC emission rate below the allowable emission limit at the West API Separator TO, EPN: APISEP FE, as represented in the PI-7 CERT. A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

FOP 1386, General Terms and Condition OP

FOP 1386, Special Condition 16A OP

Description: Failure to maintain the NOx and CO emission rates below the allowable emission limit at the VPS4 Combined Heater Stack (EPN: SVPS4-7). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emissions rate below the allowable emission limit at the CRU4 Combined Heater Stack (EPN: SCR4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emission rate below the allowable emission limit at the VPS2 Combined Heater Stack (EPN: SVPS2-1). A8(c)(2)(A)(ii) MOD(2)(D)

8

Effective Date: 01/27/2012 ADMINORDER 2011-0688-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 5 PERMIT

FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

- 9 Effective Date: 08/02/2012 ADMINORDER 2011-2212-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 2F OP  
Description: Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, the emissions event was discovered on June 28, 2011 at 5:22 a.m., but the initial notification was not submitted until June 29, 2011 at 9:03 p.m.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP  
Description: Failed to prevent unauthorized emissions. Specifically, 1,938.16 pounds of unauthorized sulfur dioxide emissions were released during an unavoidable emissions event (Incident No. 156286) that began on June 28, 2011 and lasted five hours and 47 minutes. The release occurred when the Sulfur Recovery Unit 4 diverter valve opened to the Tail Gas Treating Unit 2 Incinerator due to a failure in a field electrical termination assembly. Since the emissions event was reported late, the Respondent is
- 10 Effective Date: 03/21/2013 ADMINORDER 2012-1591-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)  
5A THSC Chapter 341, SubChapter A 341.033(a)  
Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
5A THSC Chapter 341, SubChapter A 341.0351  
Description: Failure to notify the executive director prior to making a significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)  
30 TAC Chapter 290, SubChapter D 290.45(f)(4)  
30 TAC Chapter 290, SubChapter D 290.45(f)(5)  
Description: Failure to provide a water purchase contract that authorizes a maximum daily purchase rate or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute per connection, and that authorizes a maximum hourly purchase rate plus the actual service pump capacity of at least 2.0 gpm per connection or is at least 1,000 gpm and able to meet peak hourly demands, whichever is less.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)  
Description: Failure to plug abandoned wells or submit test results proving that the wells are in a nondeteriorated condition.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

*Published Compliance History Report for CN600124051, RN100209451, Rating Year 2012 which includes Compliance History (CH) components from April 09, 2008, through April 09, 2013.*

Item 1	April 16, 2008	(636445)
Item 2	April 28, 2008	(636501)
Item 3	May 13, 2008	(689954)
Item 4	May 30, 2008	(681425)
Item 5	June 07, 2008	(559928)
Item 6	July 25, 2008	(637867)
Item 7	August 04, 2008	(688786)
Item 8	August 18, 2008	(687784)
Item 9	August 20, 2008	(710734)
Item 10	August 26, 2008	(435405)
Item 11	August 27, 2008	(689025)
Item 12	September 16, 2008	(710733)
Item 13	October 27, 2008	(706417)
Item 14	November 14, 2008	(727483)
Item 15	November 18, 2008	(684387)
Item 16	December 18, 2008	(750270)
Item 17	December 19, 2008	(721889)
Item 18	February 16, 2009	(750266)
Item 19	March 18, 2009	(750267)
Item 20	April 14, 2009	(750269)
Item 21	April 17, 2009	(735807)
Item 22	May 14, 2009	(768349)
Item 23	June 10, 2009	(768350)
Item 24	July 08, 2009	(743065)
Item 25	July 28, 2009	(762778)
Item 26	July 29, 2009	(762779)
Item 27	August 11, 2009	(804648)
Item 28	August 26, 2009	(763405)
Item 29	September 15, 2009	(804649)
Item 30	September 22, 2009	(763792)
Item 31	October 05, 2009	(765337)
Item 32	October 14, 2009	(804650)
Item 33	October 29, 2009	(776147)
Item 34	November 05, 2009	(776148)
Item 35	November 12, 2009	(776479)
Item 36	November 13, 2009	(804651)
Item 37	December 15, 2009	(804652)
Item 38	January 05, 2010	(786191)
Item 39	January 06, 2010	(784719)
Item 40	January 07, 2010	(786188)
Item 41	January 13, 2010	(804653)
Item 42	February 08, 2010	(790438)
Item 43	February 12, 2010	(776149)
Item 44	February 18, 2010	(785707)
Item 45	February 24, 2010	(790004)
Item 46	March 01, 2010	(787175)
Item 47	March 16, 2010	(830881)
Item 48	March 23, 2010	(791693)
Item 49	April 13, 2010	(830882)
Item 50	May 10, 2010	(830883)
Item 51	May 26, 2010	(798314)
Item 52	June 03, 2010	(803496)
Item 53	June 15, 2010	(846268)
Item 54	June 24, 2010	(826000)
Item 55	July 05, 2010	(829489)
Item 56	July 15, 2010	(860862)
Item 57	August 19, 2010	(866829)
Item 58	August 31, 2010	(848673)
Item 59	September 16, 2010	(873900)
Item 60	October 15, 2010	(881501)

Item 61	November 15, 2010	(865974)
Item 62	November 17, 2010	(888030)
Item 63	December 20, 2010	(896239)
Item 64	December 21, 2010	(884947)
Item 65	January 03, 2011	(884857)
Item 66	January 19, 2011	(891548)
Item 67	January 20, 2011	(902305)
Item 68	January 21, 2011	(891647)
Item 69	February 01, 2011	(880655)
Item 70	February 14, 2011	(909084)
Item 71	February 15, 2011	(894736)
Item 72	February 21, 2011	(899503)
Item 73	February 23, 2011	(899893)
Item 74	March 18, 2011	(916343)
Item 75	March 22, 2011	(901784)
Item 76	April 18, 2011	(924807)
Item 77	May 12, 2011	(906804)
Item 78	May 13, 2011	(938025)
Item 79	June 13, 2011	(945348)
Item 80	July 01, 2011	(936394)
Item 81	July 19, 2011	(952622)
Item 82	August 09, 2011	(959303)
Item 83	August 15, 2011	(948878)
Item 84	August 24, 2011	(948863)
Item 85	August 30, 2011	(951060)
Item 86	September 14, 2011	(965336)
Item 87	October 12, 2011	(951037)
Item 88	October 17, 2011	(971376)
Item 89	November 16, 2011	(977535)
Item 90	December 19, 2011	(984303)
Item 91	January 09, 2012	(976534)
Item 92	January 11, 2012	(976876)
Item 93	February 20, 2012	(997965)
Item 94	February 27, 2012	(989102)
Item 95	February 28, 2012	(989101)
Item 96	February 29, 2012	(989539)
Item 97	March 20, 2012	(1003489)
Item 98	April 21, 2012	(1010053)
Item 99	May 24, 2012	(1007755)
Item 100	May 29, 2012	(1007168)
Item 101	May 30, 2012	(1007271)
Item 102	June 08, 2012	(1009200)
Item 103	June 20, 2012	(1013221)
Item 104	June 23, 2012	(1009928)
Item 105	July 10, 2012	(1015329)
Item 106	July 16, 2012	(1015617)
Item 107	July 17, 2012	(1015681)
Item 108	July 19, 2012	(1015036)
Item 109	August 07, 2012	(1021223)
Item 110	August 17, 2012	(1037939)
Item 111	August 21, 2012	(1024044)
Item 112	August 28, 2012	(1027085)
Item 113	August 29, 2012	(1029494)
Item 114	September 17, 2012	(1029492)
Item 115	September 18, 2012	(1031350)
Item 116	September 26, 2012	(1034545)
Item 117	September 28, 2012	(1031002)
Item 118	October 01, 2012	(1024020)
Item 119	October 09, 2012	(1036486)
Item 120	October 10, 2012	(1036175)

Item 121	October 13, 2012	(1027759)
Item 122	October 15, 2012	(1029690)
Item 123	October 19, 2012	(1046671)
Item 124	October 26, 2012	(1030074)
Item 125	November 15, 2012	(1043432)
Item 126	November 19, 2012	(1060871)
Item 127	November 20, 2012	(1042530)
Item 128	December 19, 2012	(1060872)
Item 129	December 27, 2012	(1046511)
Item 130	January 24, 2013	(1053845)
Item 131	February 05, 2013	(1051301)
Item 132	February 20, 2013	(1051441)
Item 133	February 21, 2013	(1056295)
Item 134	March 20, 2013	(1059332)
Item 135	March 25, 2013	(1073967)
Item 136	April 04, 2013	(1077185)

#### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 04/12/2012 (993982)	CN600124051
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 12E PERMIT 8404/PSD-TX-1062, Special Condition 71 PERMIT 8404/PSD-TX-1062, Special Condition 73 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP FOP 1386, Special Condition 1A OP	
	Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP Permit 8404, Special Condition 23 PERMIT	
	Description: Failure to properly control sour gas emissions with the vapor collection system. EIC B18 MOD(2)(D)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 116, SubChapter G 116.715(c)(7) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 1 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP	
	Description: Failure to maintain the Nitrogen oxides (NOx) emission rate below the allowable emission limit at the Vacuum Pipe Still 4 (VPS4) Combined Heater Stack (EPN: SVPS4-7). EIC B18 MOD(2)(D)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 116, SubChapter G 116.715(c)(7) 30 TAC Chapter 122, SubChapter B 122.143(4)	

**Published Compliance History Report for CN600124051, RN100209451, Rating Year 2012 which includes Compliance History (CH) components from April 09, 2008, through April 09, 2013.**

5C THSC Chapter 382 382.085(b)  
 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT  
 8404/PSD-TX-1062, Special Condition 1 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP  
 FOP 3387, General Terms and Conditions OP  
 FOP 3387, Special Condition 18 OP  
 Description: Failure to maintain the Sulfur dioxide (SO<sub>2</sub>) emission rate below the allowable emission limit at the Emission Point Numbers (EPNs): SCRU4-1, SPS3-2, SVPS4-2, SVPS4-3, SVPS4-5, and SVPS4-6. EIC B18 MOD(2)(D)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 8404/PSD-TX-1062, Special Condition 5B PERMIT  
 8404/PSD-TX-1062, Special Condition 71 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP  
 FOP 1386, Special Condition 1A OP  
 Description: Failure to continuously operate with a flame present at the VPS4 and Hydrogen Treating Unit (HTU) flares. EIC B19(g)(1) MOD(2)(G)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 5C THSC Chapter 382 382.085(b)  
 8404/PSD-TX-1062, Special Condition 5B PERMIT  
 8404/PSD-TX-1062, Special Condition 71 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP  
 FOP 1386, Special Condition 1A OP  
 Description: Failure to continuously monitor the pilot flame at the Delayed Coking Unit 1 (DCU1) Flare (EPN: EDCU1). EIC B1 MOD(2)(A)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 8404/PSD-TX-1062, Special Condition 1 PERMIT  
 FOP 1386, General Terms and Conditions OP  
 FOP 1386, Special Condition 16A OP  
 Description: Failure to maintain TPY below the permitted limit for EPNs: SVPS4-4, SVPS4-1, and TK 1945. EIC B18 MOD(2)(D)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 FOP 1386, General Terms and Conditions OP  
 Description: Failure to submit an Annual Compliance Certification (ACC) report within 30 days after the end of the reporting period.  
 B3 MOD(2)(B)

2 Date: 04/30/2012 (1016448) CN600124051  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 3 Date: 05/31/2012 (1024167) CN600124051  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 4 Date: 02/15/2013 (1054456) CN600124051  
 Self Report? NO Classification: Minor

**Published** Compliance History Report for CN600124051, RN100209451, Rating Year 2012 which includes Compliance History (CH) components from April 09, 2008, through April 09, 2013.

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 11E PERMIT  
 SC 16A OP  
 SC 1A OP  
 Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 Description: Failure to report a deviation in a Semiannual Deviation Report.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.354(2)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 11 PERMIT  
 SC 16A OP  
 SC 1A OP  
 SC 61 PERMIT  
 Description: Failure to conduct fugitive monitoring on 144 valves in volatile organic compound service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 1B PERMIT  
 Description: The facility failed to maintain opacity limits at Boiler 34 (EPN SPS3-4).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 6 PERMIT  
 SC 61 PERMIT  
 Description: Failure to maintain hydrogen sulfide emission rates for multiple sources at the facility.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 1B PERMIT  
 Description: Failure to maintain nitrogen oxide limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)



30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 1B PERMIT  
 Description: Failure to maintain opacity limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 1B PERMIT  
 SC 9(a) OP  
 Description: Failure to report an opacity exceedance in the 3rd quarter 2011 CEMS report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 Description: Failure to report a deviation in a Semiannual Deviation Report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 5B PERMIT  
 SC 61 PERMIT  
 Description: Failure to continuously monitor flares to confirm a flame present at all times.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 59 PERMIT  
 SC 72 PERMIT  
 Description: Failure to maintain records of Maintenance, Startup, and Shutdown activities involving vacuum trucks.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 Description: Failure to report a deviation in a deviation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 20 PERMIT  
 Description: Failure to maintain 1200 degrees Fahrenheit at Tail Gas Treating Unit No. 1 Incinerator (EPN STGTU-1).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 10 PERMIT  
 SC 16A OP  
 SC 1A OP  
 SC 61 PERMIT  
 Description: Failure to conduct monthly drain inspections at several units.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(e)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 61 PERMIT  
 Description: Failure to operate a closed vent system with no detectable emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 63 PERMIT  
 Description: Failure to maintain five Storage Tanks in good condition during the reporting period of January-June 2012.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 1A OP  
 SC 73(C)(3) PERMIT  
 Description: Failure to monitor carbon canisters on an hourly basis.  
 Self Report? NO Classification: Minor  
 Citation: 106.532, Condition (1)(N) PERMIT  
 30 TAC Chapter 106, SubChapter X 106.532(1)(N)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 Description: Failure to maintain proper abatement of wastewater at the Wastewater Treatment Unit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A OP  
 SC 72(A) PERMIT  
 Description: Failure to use a control device while vacuuming gasoline with a vacuum truck.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 Description: Failure to report a deviation in a Semiannual Deviation Report.

## F. Environmental audits:

Notice of Intent Date: 06/16/2008 (684982)

Disclosure Date: 11/05/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to install locks on bypass valves on some benzene NESHAP carbon vessel systems.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Failure to perform primary seal gap measurements on external floating roof tanks every 5 years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC15

Description: Failure to perform annual tank vapor recovery visual inspections.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)

Description: Failure to maintain monthly records of total solvent makeup for degreasers; amount brought in and amount evaporated.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC72

Description: Failure to total MSS emissions on a 12 month rolling basis instead of a 12 month block basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC69

Description: Failure to perform emissions cap calculations on quarterly basis to verify emissions did not exceed permit requirements or 12 month rolling average limits.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 8404, SC2F

Description: Failure to calculate monthly tank VOC emissions for Permit 8404 tanks.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC7

Description: Failure to maintain a list of vents subject to 30 TAC 111.111, and schedule Method 9 observations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.105

Rqmt Prov: PERMIT 117.123(a)(b)(1) and (2)

Description: Failure to comply with daily and 30-day rolling average NOx emission cap requirements.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 117.123(e)

Description: Failure to comply with Nox emission cap reporting requirements.

Disclosure Date: 01/15/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to install locks on bypass valves on some benzene NESHAP carbon vessel systems.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Failure to perform primary seal gap measurements on external floating roof tanks every 5 years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC15

Description: Failure to perform annual tank vapor recovery visual inspections.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)

Description: Failure to maintain monthly records of total solvent makeup for degreasers; amount brought in and amount evaporated.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC72

Description: Failure to total MSS emissions on a 12 month rolling basis instead of a 12 month block basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 01386, SC69  
 Description: Failure to perform emissions cap calculations on quarterly basis to verify emissions did not exceed permit requirements or 12 month rolling average limits.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 8404, SC2F  
 Description: Failure to calculate monthly tank VOC emissions for Permit 8404 tanks.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 01386, SC7  
 Description: Failure to maintain a list of vents subject to 30 TAC 111.111, and schedule Method 9 observations.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.105  
 Rqmt Prov: PERMIT 117.123(a)(b)(1) and (2)  
 Description: Failure to comply with daily and 30-day rolling average NOx emission cap requirements.  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT 117.123(e)  
 Description: Failure to comply with Nox emission cap reporting requirements.  
 Notice of Intent Date: 08/21/2008 (702667)  
 Disclosure Date: 11/08/2008  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349  
 Description: Failure to install locks on bypass valves on some Benzene NESHAP carbon vessel systems.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351  
 Description: Failure to conduct primary seal gap measurements for external floating roof tanks every 5 years.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 01386, SC15  
 Description: Failure to conduct annual visual inspections of tank vapor recovery systems.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)  
 Description: Failure to keep monthly records of total solvent usage.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 01386 SC62 and SC69  
 Description: Failure to total emissions on a quarterly 12 month, and emissions cap calculations on a rolling basis.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 8404 SC2F  
 Description: Failure to calculate VOC emissions on a monthly basis.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
 30 TAC Chapter 116, SubChapter B 116.115  
 Rqmt Prov: PERMIT 01386 SC 7  
 Description: Failure to maintain documentation of vents subject to 30 TAC 111.111, and conduct method 9 observations.  
 Notice of Intent Date: 06/26/2009 (761937)  
 Disclosure Date: 03/10/2010  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146  
 Description: Failure to monitor for the compliance of two special conditions of the facility NSR permit.  
 Notice of Intent Date: 07/21/2009 (775779)  
 No DOV Associated  
 Notice of Intent Date: 02/24/2011 (905482)  
 No DOV Associated

Notice of Intent Date: 12/09/2011 (980864) 5  
No DOV Associated

Notice of Intent Date: 10/11/2012 (1051293) 6  
No DOV Associated

Notice of Intent Date: 11/13/2012 (1058513) 7  
No DOV Associated

**G. Type of environmental management systems (EMSs):**

1 08/31/2004 01/01/2012 ENVIRONMENTAL MANAGEMENT SYSTEM

NON 30 TAC CH 90 CERTIFIED

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MOTIVA ENTERPRISES LLC  
RN100209451

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2013-0551-AIR-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MOTIVA ENTERPRISES LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the Commission and TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 20, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Dollars (\$30,000) is assessed by the Commission in settlement of the violations alleged in Section II.

("Allegations"). The Respondent has paid Twenty-Four Thousand Dollars (\$24,000) of the administrative penalty and Six Thousand Dollars (\$6,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the 2011 annual emissions rates for five storage tanks, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSD-TX-1062, Special Conditions No. 1, Federal Operating Permit No. 01386, General Terms & Conditions and Special Terms & Conditions Nos. 1, 1A, and 16A, as documented during a record review conducted on January 18, 2013. Specifically, the 2.28 tons per year ("TPY") annual volatile organic compound ("VOC") rate for emission point number ("EPN") TML01251 was exceeded by 2.38 tons; the 1.71 TPY annual VOC rate for EPN TML01525 was exceeded by 1.05 tons; the 0.02 TPY annual VOC rate for EPN TST01718 was exceeded by 0.20 ton; the 2.24 TPY annual VOC rate for EPN TST01787 was exceeded by 0.12 ton; and the 3.18 TPY annual VOC rate for EPN TST01920 was exceeded by 0.18 ton, resulting in the unauthorized release of 3.93 tons of VOC.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MOTIVA ENTERPRISES LLC, Docket No. 2013-0551-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to ensure compliance with the allowable annual VOC emissions rates for EPNs TML01251, TML01525, TST01718, TST01787, and TST01920; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

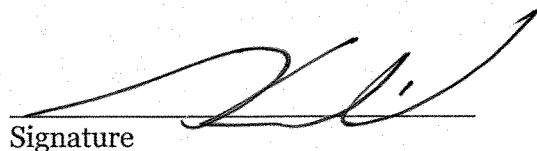
9/25/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

July 16/13  
Date

Greg Williams  
Name (Printed or typed)  
Authorized Representative of  
MOTIVA ENTERPRISES LLC

GM  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.